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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/658,298	09/08/2000	Kenneth D. Simone JR.	068520.0110	3516

7590 03/24/2005  
Baker Botts LLP  
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EXAMINER

PRIETO, BEATRIZ

ART UNIT PAPER NUMBER

2142

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/658,298

Applicant(s)

SIMONE, KENNETH D.

Examiner

Prieto Beatriz

Art Unit

2142

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

***DETAILED ACTION***

1. This communication is in response to RCE/Amendment filed 01/19/05, claims 1 and 7, have been amended, claims 1-14 remain pending.
2. Applicant's objection to claim terminology interpretation made in-light of the specification is noted. Claim interpretation as presented in previous office action is maintained and incorporated by reference (see MPEP 2111).
3. Quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action may be found in previous office action.
4. Claims 1 and 7 as amended are rejected under 35 U.S.C. 102(b) as being anticipated by McCubrey et. al. U.S. Patent No. 4,860,375 (McCubrey hereafter).

Regarding claims 1 and 7, Mc Cubrey teaches substantial features of the invention as claimed, including  
a set of predetermined process definition, which are different (system 10 of Fig. 1);

an executable processes definition for modifying "editing" image data (col 3/lines 23-41, automated executable programmed processing stages see col 5/lines 8-13, execution program col 11/lines 65-12/line 11);

a plurality of components corresponding to one function of the predetermined process definition (components 24, 26, 28, 30, or 34 of Fig. 1);

an input and output port functionally related in the predetermined process definition (pipeline controller 26 of Fig. 1, providing input-output unidirectional data paths with route image data from a source component image memory to a destination component image combiner through the pipeline input/output ports col 2/lines 30-60);

a source component (24 of Fig. 1) defining a data source and defining an output port through which image data from the source is supplied (col 2/lines 30-64, col 3/lines 11-22);

a destination component (element 28 of Fig. 1) defining a data destination and defining an input through which image data from the supplying source is received (col 2/lines 30-64, col 3/lines 2-10);

binding component (element 26 of Fig. 1) interconnecting component path that associated a input port with an output port (col 2/lines 30-60);

executing the process definition col 3/lines 23-41, automated executable programmed processing stages see col 5/lines 8-13, execution program col 11/lines 65-12/line 11);

automatically, forwarding "transmitting" through a communication link (42 of Fig. 1) after modifying said image data during the execution of said process definition to a predetermined component (col 3/lines 6-10, 42-57) said modified image data to a remote device (col 5/lines 44-50, 58-col 6/line 2).

5. Quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action may be found in previous office action.

6. Claim 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hollingsworth in view of U.S. Patent No. 5,907,837 Ferrel et. al. (Ferrel hereafter).

Regarding claim 1, Hollingsworth teaches:

providing a set of predetermined process definitions (see sections 2.1-2.1.1, pages 6-8) including different process activity steps within the process (page 14),

one process definition defining a process for processing data (section 2.1.3 on page 8, sub-processes suited to specific data type see page 19) including image data (section 2.2.1 on page 10);

storing a project definition as executable instances each corresponding to a function definition in the set, executable by workflow engines to perform functions according to the definitions, i.e. workflow logic execution or run-time (section 2.1.1 on page 6, process definition on page 12, project definition see section 2.2.5); the process definition further includes;

a plurality of function components, entities, tasks, activities "portions" which each correspond to one of said function definitions in said set of predetermined function definitions (components that handle/support operations or functions see page 12);

each function definition define interfaces (e.g. one input/output ports) that are functionally related (e.g. output supplies to an input) (Fig. 2 on page 9) according to the corresponding function definition (distribution of information supported by interfaces or points which use communication mechanism for passing messages between application components see section 2.1.4 on page 8-9, see interfaces definitions on page 9, see import/export interface (i.e. input/output port) section 3.4.2 on pages 28-29);

a "source" component, defining a "data source" and defining an output interface "port" through which said data from the data source can be produced (file store or master source page 17, accessing an object store using a defined an object name and access path via API to internetworking see p. 26-27, API

are points of interchange between the workflow components see p. 20-21, see import/export interfaces section 3.4.2 on p. 28);

a “destination” component defining a “destination data” and an input interface “port” through which data from the data source is received (data is distributed across individual components from a source see page 17, see definition interchange wherein a generated output “source portion” of one component is used as an input in another “destination portion”, see page 29, Fig. 9);

“binding information” which includes connection between an input and output interface “port” through which data flows between the associated modules or components (data flow between components or products via communication mechanisms section 2.1.3, interfaces role definition see p. 15 data interchange format definition between identified components is defined for each input/output interface Fig. 6, p. 20, language bindings supporting interfaces see p.46)

executing said project definitions (workflow logic) by an engine (see p. 6) or executed by a workflow enactment software (p. 12, see section 3.3.2 p. 22); and

transmitting a communication through a communication mechanism (section 2.1.4), transmitting after processing data during execution of said project definition (Fig. 2 sequential execution of activity steps, interfaces supporting data transmission between the steps p. 9, sequential processing supported by data exchange p. 49); although Hollingsworth teaches the processing of image data in an image processing project definition and object operations including retrieval and setting of object attributes, including processing data between the source and destination component discussed above, it does not explicitly teach adapting, the modifying, assembling image data;

Ferrel teaches “process definition”, including a multimedia publishing business system providing a set of predetermined different function definitions (Fig. 1) for providing dynamic online content, said system comprising function components including a function (194) for editing image (Fig. 2, col 10/lines 34-49);

editing said image data during the execution of said function defined for editing said image (col 21/lines 54-61);

automatically transmitting content “a communication” to a remote device (120) through a communication link (e.g. accessible on-line) (col 9/lines 59-67), including create and transmit to a “remote” device created/edited content (e.g. 120 including a storage device 122) (col 10/lines 16-30), creating process includes image editing (col 10/lines 34-54) after creation published to a distribution point (col 8/lines 61-63, after creation released and stored a publication storage 120, col 9/lines 53-58).

It would have been obvious to one ordinary skilled in the art at the time the invention was made given the suggestion of Hollingsworth of the applicability of his teachings to image processing applicable

in other information technology application, the teachings of Ferrel for information distribution including image processing would be readily apparent. One would be motivated to apply the secondary reference's teachings because in doing so multiple user have available for retrieval image data in one of several formats including image data and document data or a combination thereof, wherein the common source library database may store any type of data which can be repeatedly used.

Regarding claim 2, transmitting as executing is completed (Hollingsworth: Fig. 2, p. 9)

Regarding claim 3, formatting include formatting an email (Hollingsworth: section 2.2.3, 2.1.4, data conversion see p. 25, email conversion between modules see p. 26)

Regarding claim 4, communication link includes a network (Hollingsworth: section 2.1.4, data transfer between modules is networked)

Regarding claim 5, Internet (Hollingsworth: Internet based management p. 53)

Regarding claim 6, sending communication (Hollingsworth Fig. 2, p. 9)

Regarding claims 7 and 8-10 these claims comprises the computer-readable medium with a computer program, which performs the method of claims 1, and 2, 3, 6, respectively, same rationale of rejection is applicable.

Regarding claim 11, transmitting after processing activity or step (Hollingsworth: Fig. 2, p. 9), processing activity including image editing (Iida: col 3/lines 31-35).

Regarding claim 12, communication identifies an occurrence of a predetermined condition to initiate a subsequent process (Hollingsworth: Fig. 2, p. 9).

Regarding claims 13-14, these claims comprise the computer-readable medium with a computer executable program, which performs the method of claims 11-12, same rationale of rejection is applicable.

*Response to argument*

7. Regarding claim 1 anticipated by McCubrey, it is argued, the reference does not teach claim limitation as amended, specifically, the transmission of a "communication" to a remote device after editing.

In response to the above-mentioned argument, it is noted that McCubrey teaches that the data path structure of the present invention is designed to accommodate *additional future special function processing units* which may be added to perform additional image processing operations upon the pixel data, these *devices* may be added to the existing pipeline processor and *image combiner units along pipeline data path 42* (col 5/lines 57-col 6/line 2).

8. Regarding claim 1 unpatentable over Hollingsworth, it is argued, the reference does not teach claim limitation as amended, specifically, the transmission of a communication to a remote device after editing by said project definition which edits

In response to the above-mentioned, Ferrel teaches editing said image data during the execution of said function defined for editing said image (col 21/lines 54-61); automatically transmitting content "a communication" to a remote device (120) through a communication link (e.g. accessible on-line) (col 9/lines 59-67); create and transmit to a "remote" device created/edited (e.g. 120 including a storage device 122) (col 10/lines 16-30), creating process includes image editing (col 10/lines 34-54) after creation published to a distribution point (col 8/lines 61-63, after creation released and stored a publication storage 120, col 9/lines 53-58).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prieto, B. whose telephone number is (571) 272-3902. The Examiner can normally be reached on Monday-Friday from 6:00 to 3:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's Supervisor, Jack B. Harvey can be reached on (571) 272-3896. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800/4700.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system, status information for published application may be obtained from

either Private or Public PAIR, for unpublished application Private PAIR only (see <http://pair-direct.uspto.gov> or the Electronic Business Center at 866-217-9197 (toll-free).


Any response to this action should be mailed to:

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or faxed to the Central Fax Office:

(703) 872-9306, for Official communications and entry; or telephone,

(703) 306-5631 for TC 2100 Customer Service Office.

  
B. Prieto  
Primary Examiner  
March 18, 2005

  
Primary Examiner